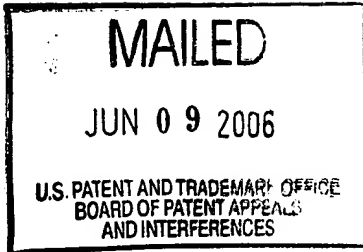


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JULIET C. KRAAL and DANIEL ARBITTER

Application 09/630,918

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 31, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that an Appeal Brief was filed on October 20, 2005. In response, an Examiner's Answer was mailed on January 17, 2006.

37 CFR § 41.37(c)(1)(v) reads as follows:

(c)(1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by

and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal," the claim rejection is listed as follows:

1. Claims 1-6, 8-20 are rejected under 35 U.S.C. 103(a) as unpatentable by Nayar ("DENEb/ERGO – A Simulation-based Human Factors Tool" (1995)), in view of Purschke ("Virtual Reality-New Methods for Improving and Accelerating the Development Process in Vehicle Styling and Designing" (1998)) [pages 3 and 4].

Correction is required.

Finally, an Information Disclosure Statement was filed on October 18, 2004. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for notification to appellants to submit a substitute Appeal Brief which corrects the "Summary of claimed subject matter;
- 2) for submission of a revised Examiner's Answer which corrects the "Real Party in Interest" and the "Evidence Relied Upon" sections; and
- 3) for consideration of the IDS filed October 18, 2004, and appropriate notification to appellants regarding the Primary Examiner's decision; and

and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal," the claim rejection is listed as follows:

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- 1) for notification to appellants to submit a substitute Appeal Brief which corrects the "Summary of claimed subject matter";
- 2) for submission of a revised Examiner's Answer which corrects the "Real Party in Interest" and the "Evidence Relied Upon" sections; and
- 3) for consideration of the IDS filed October 18, 2004, and appropriate notification to appellants regarding the Primary Examiner's decision; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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